

REMARKS/ARGUMENTS

With this amendment, claims 31-36 are pending. New claims 32-36 are added. Claims 1-30 are cancelled. For convenience, the Examiner's rejections are addressed in the order presented in the September 13, 2006, Office Action.

I. Status of the claims

Claims 1-30 are cancelled. New claims 32-36 depend from claim 31 and replace cancelled claims 6, 14, 15, 19, and 29. Support for the added claims is found throughout the specification, for example, at original claims 6, 13-15, and 19. These amendments add no new matter.

II. Rejections under 35 U.S.C. §112, first paragraph, enablement

Claims 1, 6, 14-15, 19, and 28-30 are rejected under 35 U.S.C. §112, first paragraph because allegedly, the specification does not provide enablement for one of skill to make and use an invention commensurate in scope with those claims, *i.e.*, methods to use an ILKAP protein with 90% identity to SEQ ID NO:2. The Office Action affirms the specification enables claims directed to use of a cell that expresses an ILKAP polypeptide of SEQ ID NO:2 to identify a compound that modulates angiogenesis, as in Claim 31. In order to expedite prosecution, claims 1-30 are cancelled and claims that depended from claim 1 are rewritten to depend from claim 31. Based on the Office Action, it is Applicants' understanding that Claim 31 and dependent claims are allowable. Therefore, in view of the above amendments and remarks, withdrawal of the rejection for alleged lack of enablement is respectfully requested.

Appl. No. 09/935,124
Amdt. dated October 17, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1644

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

/Beth L. Kelly/

Beth L. Kelly
Reg. No. 51,868

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
BLK:blk
60892133 v1